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VIA CM/ECF

Honorable Paul W. Grimm, U.S.D.J.
United States District Court for the District of Maryland
Greenbelt Division
6550 Cherrywood Lane
Greenbelt, Maryland 20770

Re: Brown v. Checkr, Inc., Case No. 8:19-CV-01515-PWG

To the Honorable Court:

Defendant Checkr, Inc. (“Checkr”) respectfully submits the enclosed Final Report and Recommendation, which was entered on December 19, 2019 in *Maria Isonlina Martinez v. Checkr, Inc.*, Civil Action No. 1:19-cv-4369-WMR-JKL (N.D. Ga.), as supplemental authority in support of its Motion to Compel Arbitration (the “Motion”). Checkr filed a similar Motion to Compel in *Martinez*.

The plaintiff in *Martinez* entered into the same Terms of Service and Arbitration Agreement as Plaintiff here and is represented by the same counsel as Plaintiff. Further, like Plaintiff here, the plaintiff in *Martinez* opposed Checkr’s Motion to Compel Arbitration, arguing that the Federal Arbitration Act’s transportation worker exception prevented arbitration and that the Agreement was illusory. In support of those arguments, the plaintiff in *Martinez* relied on the same authorities as Plaintiff in this case.

The Magistrate Judge in *Martinez* rejected the plaintiff’s arguments, finding that the transportation worker exception did not apply and that the arbitrator must decide whether the agreement is illusory under binding Supreme Court precedent. Accordingly, the Magistrate Judge recommended that the court grant Checkr’s Motion to Compel Arbitration and order the plaintiff to arbitration.

Because of the similarities between this case and the *Martinez* case, Checkr respectfully requests that the Court consider the enclosed Final Report and Recommendation as supplemental authority.

Respectfully submitted,

/s/ Meredith L. Schramm-Strosser

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Rod Fliegel, Esq. (*Pro Hac Vice*)

Counsel for Defendant Checkr, Inc.

Encl.

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cc: Sergie Lemberg, Esq. (via CM/ECF)
 Jody Burton, Esq. (via CM/ECF)

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